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August 7, 2023

Via ECF

The Honorable Edgardo Ramos, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Neor et al v. Acacia Network, Inc. et al.*
Case No.: 22-cv-04814

Dear Judge Ramos:

This office represents Plaintiffs in the above-referenced matter. This letter is respectfully submitted pursuant Your Honor's Order, dated July 25, 2023 [Dkt. No. 43], and in further support of Plaintiffs' prior request for a pre-motion conference to compel Defendants to comply with their discovery obligations, dated July 19, 2023 [Dkt. No. 40].

As the Court is aware, Defendants have refused to supplement their discovery responses and document production with class-wide information. Following the Court's recent Order [Dkt. No. 43], on August 7, 2023, counsel for Plaintiffs C.K. Lee, Esq. and James Jackson, Esq. met and conferred with counsel for Defendants Simi Bhutani, Esq., for approximately 15 minutes by phone to discuss the Court's Order, and Defendants' class-wide document production and discovery responses.

Defendants remained unwilling to producing class-wide discovery. Specifically, Defendants refused to produce:

- (i) information on the class size and contact information for employees for the 3 named Corporate Defendants; and
- (ii) a sampling of class-wide documents for employees employed by the 3 named Corporate Defendants, as requested in Plaintiffs' First Request for the Production of Documents.

With regard to deposition scheduling, Defendants agreed that by August 11, 2023, they will provide October deposition dates for the individuals listed in their initial disclosure, and for those individuals not represented by Defendants' counsel, Defendants will provide the last known contact information.

Plaintiffs have also requested that by August 11, 2023, Defendants provide October deposition dates and the identity of the corporate representatives for all 3 named corporate Defendants: (i) Acacia Network, Inc., (ii) Acacia Network Housing Inc., and (iii) Promesa Residential Health Care Facility, Inc.

The parties have met and conferred multiple times on the above-detailed discovery disputes. Prior to Plaintiffs raising the instant dispute with the Court, Defendants agreed to supplement their responses to include class information by July 10, 2023. To date, Defendants have not done so and continue to object to the scope of Plaintiffs' requests.

Given the foregoing, we request the Court's intervention in compelling Defendants to comply with their discovery obligations and provide comprehensive class-wide responses and production to Plaintiffs' first request for discovery. We thank the Court for its consideration.

Respectfully submitted,

/s/ C.K. Lee

C.K. Lee, Esq.

cc: all parties via ECF